

AGENDA ITEM VII

REPORT ON A CONDITIONALLY APPROVED CENTER/INSTITUTE

LOUISIANA STATE UNIVERSITY LAW CENTER

THE GEORGE AND JEAN PUGH INSTITUTE FOR JUSTICE

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BACKGROUND INFORMATION

At its meeting of January 23, 2003, the Board of Regents acted as follows:

Approval is granted for the request from the Paul M. Hebert Law Center of Louisiana State University for one-year conditional approval of the George and Jean Pugh Institute for Justice, effective immediately. As required by Board of Regents Academic Affairs Guidelines: Proposed New Centers, Institutes, and Other Academic/Research Units, the Law Center shall submit to the Commissioner of Higher Education a proposal for full approval of the Institute by February 1, 2004. If a proposal is not forthcoming by this date, the Board of Regents shall automatically reexamine the need for this Institute.

The LSU Law Center submitted information on the status and activities of the Pugh Institute on January 20, 2004. Additional information was requested and provided by the Law Center.

STAFF ANALYSIS

1. Description

In its initial proposal, the Law Center indicated that the George and Jean Pugh Institute for Justice was conceived as a research and public service unit of the Paul M. Hebert Law Center, designed to foster research and other activities which would enhance and improve the administration of the criminal and civil justice systems in the State of Louisiana. This goal honors Professor George Pugh's dedication to law reform efforts; he sought to improve the administration of justice by recommending legislative changes designed to enhance the efficacy and fairness of the substantive and procedural laws of Louisiana .

2. Need

The proposal did not provide a specific rationale regarding need, but the staff recognizes that the research and service proposed for the projected Institute would be an appropriate endeavor of the LSULC and consistent with its role, scope, and mission.

3. Projects

a. Initial Projects

The three initial projects of the Pugh Institute are significant undertakings which have required substantial time and effort. Completion of all three projects is anticipated in the current year.

- i. The publication of the writings of the late Justice Albert Tate. The Pugh Institute will soon publish a comprehensive collection of extra-judicial writings of Judge Albert Tate. During 2003, the contents of the book were assembled and proofreading was completed. Bids for printing of the book are currently being sought, with summer 2004 as the target date for sale of the book.
- ii. The publication of a brochure describing the mission and goals of the Pugh Institute. Development of a brochure describing the Pugh Institute was deemed essential to publicizing the existence and mission of the Institute. An awareness of the Institute will encourage members of the bench and bar as well as former students and colleagues who share Professor Pugh's ideals and who would like to support the Institute to express their support with contributions. Development of a website into which the brochure is incorporated was also deemed a necessity. Completion of both the brochure as well as the website, both costly undertakings, are expected by mid-2004.
- iii. Organization of and hosting the International Conference on Critical Issues of Criminal Law. The Conference on the Theory of the Criminal Law's Special Part will be co-sponsored by the Pugh Institute and the LSU Law Center on March 5-6, 2004. It will bring together a group of leading European and American criminal theorists to discuss the dimension of criminal law that identifies and defines the specific offenses that are subject to criminal sanctions. A contract has been obtained from Oxford University Press to publish the papers presented at the conference. Two of the papers will also appear in a forthcoming issue of the *Louisiana Law Review*.

b. New Projects

- i. Innovative course development. The Pugh Institute has been the driving force behind the course "Punishment, Post-Conviction Procedures, and Wrongful Convictions." The course is team taught by a judge, a criminal defense attorney, the Pugh Institute Director, and a wide range of guest lecturers. It exposes students to many aspects of legal punishment.
- ii. Externship program. The course "Punishment, Post-Conviction Procedures, and Wrongful Convictions" is complemented by a recently- launched program which allows students to work as externs with the Innocence Project - New Orleans, which is the Louisiana chapter of a nationwide effort to investigate

claims of prisoners who claim to have been wrongly convicted and to free those who can prove their innocence.

- iii. Louisiana Law Review Symposium. An ongoing symposium examines the advantages and disadvantages of the Doctrine of Harmless Error, particularly as it has developed in Louisiana criminal courts. Publication of articles is expected in 2004. No additional costs are anticipated for this activity.
- iv. Symposium: Use and Misuse of Eyewitness Testimony. This symposium, planned for late 2004, will focus on the difficult question of whether litigants should be allowed to introduce expert testimony that may aid a jury in placing appropriate weight on eyewitness testimony. New private funding of \$1,000 has been donated to support this work and will more than cover this cost.

c. Future Projects

As funding permits, the Pugh Institute hopes to sponsor on a regular basis programs, symposia, conferences or other educational offerings to promote the study and necessary reform of the criminal justice system in Louisiana and the US. Recent legislation and relevant court decisions affecting criminal prosecution and defense could be included in continuing legal education seminars.

4. Administration

The Pugh Institute is currently directed by Professor Stuart Green, an expert in the field of comparative criminal law and full-time faculty member. He is responsible for coordination and supervision of Institute activities. Clerical assistance is provided by the Law Center. A Board of Directors guides the selection of projects pursued by the Institute. Both the Board and the Director report to and consult with the Chancellor of the Law Center.

5. Budget

The primary source of funding for the Pugh Institute is interest earnings from a \$100,000 endowment to the LSU Foundation. Other sources of revenue include private donations for specific projects as well as support from the Law Center. For example, the Law Center will share the costs of the Conference on the Theory of the Criminal Law's Special Part with the Pugh Institute, as well as providing \$18,000 annually for administrative costs for the Institute director.

The LSU Foundation holds the Pugh Institute for Justice endowment. The Foundation has a policy that provides 5% earning on corpus to be available annually. A budget for the second year of Institute operation is shown below.

Expenditures	FY 2004
Publication of Justice Tate Papers	\$16,000
Brochure + Website Develop	8,500
International Conference on Criminal Law	14,500
Total Expenses	\$39,000
Revenue	AY 2004
Endowment earnings to date	\$29,192
Interest, current year (@ 5%)	7,900
Private Contributions	7,000
Chancellor's Fund	5,000
Total Income	\$48,092

Anticipated efforts to raise additional funds include:

- a. Proceeds from the sale of the Justice Tate book.(At this time, a decision has not been made whether the Tate book sale proceeds will go into the endowment corpus versus the non-endowed support fund.)
- b. Private contributions for specific projects to be undertaken by the Pugh Institute.
- c. Private contributions to the corpus of the Foundation Endowment, which will result in additional interest earnings.
- d. Revenue generated from future continuing legal education offerings, etc supported by the Pugh Institute.

The Law Center states the following regarding funding contingencies:

The Pugh Institute must be able to accomplish its mission and goals with funds that are generated by revenue produced from the initial gift of Justice Dennis, as supplemented by such additional revenues as may be provided by the generosity of donors, either to the Foundation endowment or to the completion of certain projects ...

STAFF SUMMARY

The LSU Law Center has requested the extension of conditional approval for another year. The staff concurs with the request, but notes that the Institute so far has a rather limited set of objectives which would not necessarily sustain its purpose over an extended period of time. Any subsequent proposal from the Law Center for full multi-year approval should include a list of long-term goals and specific projects designed to achieve these goals, along with plans for sustaining financial support.

STAFF RECOMMENDATION

The staff recommends that the Academic and Student Affairs Committee grant an additional one-year, conditional approval for the George and Jean Pugh Institute for Justice at the Paul H. Hebert Law Center of Louisiana State University, effective immediately. As required by Board of Regents Academic Affairs Guidelines: Proposed New Centers, Institutes, and Other Academic/Research Units, the Law Center shall submit to the Commissioner of Higher Education a proposal for full approval of the Institute by April 1, 2005. If a proposal is not forthcoming by this date, the Board of Regents shall automatically reexamine the need for this Institute.